REMARKS

The Specification

A brief description of the figures/drawings has been inserted.

Claim Objections

The period from the middle of claim 1 is deleted.

The spelling error in claim 14 is corrected.

In claim 16, the units "420 %m/L" has been changed to "420 μmol/L." Support for this correction can be found in the specification, for example, on page 1, line 18.

The Rejections Under 35 USC § 112, first paragraph

The claims are directed to indications admitted by the Office Action to be enabled.

The Rejections Under 35 USC § 112, second paragraph

Applicants respectfully disagree with the rejections for reasons of record, but to advance prosecution toward an expeditious allowance, decided to cancel the rejected claims.

The Rejections Under 35 USC § 103

The claims are rejected as allegedly obvious over WO '113 in view of WO '209.

The Office Action admits that WO '113 does not teach the claimed indications. See Office Action page 7, lines 1-2.

WO '113 teaches that the compounds of this application are effective for the indications disclosed therein because they have the ability to activate PPARα **and** PPARγ. These indications do not include those of the current claims. See page 33, lines 19-21.

WO '209 teaches compounds which are structurally completely different than the compounds of WO '113 (see page 3, second full paragraph), which compounds are taught to act on PPARγ, which results in the treatment of diseases associated with hyperuricemia (see abstract).

Nothing in WO '209 teaches or suggests that the compounds therein having activity on PPARγ should be replaced with compounds which are dual activators, i.e., compounds which activate PPARα **and** PPARγ, to achieve the treatment of diseases associated with hyperuricemia. Nothing in WO '113 suggests dual activators are useful to treat diseases

associated with hyperuricemia. Nothing in either reference teaches the interchangeability of these compound types for any reason. Instead, both references teach different indications. Where the compounds of the two references are structurally completely different, their taught indications are completely different, and their activity profiles are different, i.e., one activates PPARγ, while the other activates PPARα **and** PPARγ, the references are not adequate to teach or suggest to one of ordinary skill in the art the alleged combination thereof for the claimed indications. Moreover, one of ordinary skill in the art would not have an expectation of success based on what is taught by these references to achieve the claimed invention. See See *In re Vaeck*, 947 F.2d, 20 USPQ2d 1438 (CAFC 1991).

Because nothing in either reference teaches or suggests that dual activators of PPARα **and** PPARγ should be used for the treatment of diseases associated with hyperuricemia, the rejection should be withdrawn.

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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